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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,345	08/18/2005	Alfred Kuttenger	10191/3715	5477
26646 7590 03/12/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
LAL ANNE VIET NGA				
ART UNIT		PAPER NUMBER		
2612				
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03/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/520,345

Applicant(s)

KUTTENBERGER ET AL.

Examiner

ANNE V. LAI

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Claims 6-10 are currently pending in this case.

Response to Arguments

2. Applicant's arguments filed 17 February 2009 have been fully considered but they are not persuasive.

a. In response to applicant argument regarding Common Ownership. A search in patent application database (PALM) shows that the present application was not owned by Robert Bosch GmbH at the time the invention was made; the Recknagel reference does. The present application was owned by the assignee in 2005. The Recknagel application was owned by the assignee in 2002.

b. The claim 6 amended to include the subject matter of claim 11 does not make the present application in condition for allowance because the primary reference of Yoshioka does disclose the subject matter of claim 11. See column 6, line 21 to column 7, line 10 for automatic braking at threshold distance danger range.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshioka et al [US 5,461,357] (previously provided).

In claim 6, **Yoshioka** discloses a device in a vehicle for monitoring the environment around the vehicle, comprising:

an environment sensor system (radiation device 2, fig. 1) having a predetermined detection range (coverage range capability of the device);

an analyzer module (controller 4) for analyzing a signal of the environment sensor system, wherein the analyzer module selects and tracks at least one object by determining an attention range as a function of at least one predetermined parameter (location and movement, speed, steering angle, distance, etc., col. 4, l. 6-col. 7, l. 10). The attention range includes zones S1-S3, maximum distance length l_{max} (figs. 2-5, 14a-b, 15a-b, 16, 19 and 21) and the attention range also includes a threshold distance at which a restraint unit (brake) associated with the vehicle is triggered (automatic braking at threshold distance corresponding to a danger range (col. 6, l. 21- col. 7, l. 10).

In claim 7, **Yoshioka** discloses at least one of the predetermined parameters includes one of the relative speed between the vehicle and the particular object, the direction of the relative speed, a curve radius (steering angle, figs. 19-20) and a type of traffic (col. 7, l. 25- col. 8, l. 65).

In claims 8-9, **Yoshioka** discloses the analyzer module 3 is connected to at least one restraint unit associated with the vehicle, the analyzer module triggering the at least one restraint unit as a function of tracking of the at least one object (automatic braking action, claim 5) (braking is considered a reversible restraint mechanism).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshioka** in view of **Recknagel** (previously provided) or **Swann et al** [US 6,213,512].

In claim 10, **Yoshioka** does not disclose the restraint unit is a reversible seatbelt tightening system. **Recknagel** teaches restraint units including seatbelt and bumper must be used in vehicles for safety of the driver (par. 12-15). **Swann et al** teaches actuating the seatbelt tightening system at a preselected threshold distance (col. 5, l. 49-66). Seatbelt tightening in combination with braking of **Yoshioka** would have been obvious to increase safety to driver and the use of seatbelt is well known being required by law in many countries.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNE V. LAI whose telephone number is (571)272-2974. The examiner can normally be reached on 9:00 am to 6:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wu Daniel can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AVL

/Davetta W. Goins/
Primary Examiner
Art Unit 2612